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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/208,998	12/11/98	GANESAN	R 33500-029

LALOS AND KEEGAN
1146 NINETEENTH STREET N W
FIFTH FLOOR
WASHINGTON DC 20036-3703

TM02/0214

EXAMINER

RETTA, Y

ART UNIT

PAPER NUMBER

2162

DATE MAILED:

02/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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Office Action Summary

Application No.
09/208,998

Applicant(s)
Ganesan et al.

Examiner
Yehdega Retta

Group Art Unit
2162



☒ Responsive to communication(s) filed on Nov 27, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-34 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Amendment

1. This office action is in response to amendment filed 11/27/00. New claims, 24-34, have been added.

Response to Arguments

2. Applicant's arguments filed 11/27/00 have been fully considered but they are not persuasive.

Applicant argues that Bartoli's billing system does not suggest that a deposit account be specified or that the billing system could or should direct the transferring of funds from such a deposit account to a seller. Applicant may be corrected, however, the claim does not recited a deposit account be specified and the institute direct the transferring of funds from the deposit account to a seller. The claim recites "...receiving ...information identifying a product intended to be purchased at a purchase price ...the price to be paid by a transfer to the seller of funds on deposit in or credited to an account of the purchaser...". And "...authorization of the purchaser to pay the purchase price for the identified product through the transfer to the seller of the funds from the purchaser account". The prior art, Bartoli discloses a financial institute at which the purchaser account is maintained (see col. 4 lines 37-49), the account specifying payment options from which the merchant is paid (see col. 9 lines 29-57). Transferring funds from the purchaser to the merchant once the purchaser credit or debit card are used, is inherent.

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According to applicants specification, page 5 lines 18-24, products purchased via the network interchange are paid for from funds deposited in a purchaser's deposit or credit, e.g. home equity loan, account. And on page 6 lines 2-19, the financial institute is disclosed as, a bank, credit union, or other holder of purchaser funds in a deposit or credit account....the financial institute network server may be controlled by the financial institute or a representative of the financial institute.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 32 and 33 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Regarding claims 32 and 33, recites the authorization of the financial institute, to proceed with the delivery of the identified product to the purchaser, is transmitted to the second network device and the second network device is further configured to transmit the authorization of the financial institute to the network device. The specification as originally filed does not clearly

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support the authorization being transmitted to the second device and the second device further configured to transmit the authorization to the first device. Page 18 at lines 12-16, describes the financial institute/representative transmits, via the Internet link 230, an authorization to proceed with the transaction to the seller, however the authorization transmitted to the seller is not the same as and does not provide clear support for the authorization to proceed...transmitted to the second network device and the second network further configured to transmit the authorization to proceed...to the first network device. The specification describes the authorization to proceed...transmitted to the seller (first device), not the second device (purchaser). As a result, claims 32 and 33 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that applicant had possession of the claimed invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371^c of this title before the invention thereof by the applicant for patent.

7. Claims 24-26, 29-33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Slater U.S. Patent No. 6,098,053.

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8. Regarding claims 24-26, 29, 30, 32 and 33, Slater teaches transmitting from seller device to purchaser device information identifying a product available for purchase, a purchase price and a plurality of payment options including payment by a first form of payment and payment by a second form of payment different than the first form of payment; selecting one of the plurality of payment options at the second network device (see col. 7 lines 26-36); transmitting from the purchaser's device to a financial institute the information identifying the product to be purchased and the purchase price of the product only if the payment of the purchase price by the first form of payment is selected and transmitting from the institute to the seller an authorization of the financial institute for the seller to proceed with the delivery of the identified product to the purchaser (see col. 7 lines 36-40, col. 8 lines 29-36 and col. 9 line 13 to col. 10 line 67).

9. Claims 31 is rejected as stated above in claim 24.

10. Regarding claims 32 and 33, Slater teaches the authorization of the financial institute for the seller to proceed with the delivery of the product to the purchaser, is transmitted to the seller device (see col. 10 lines 40-67).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 27, 28 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater as applied to claim 24 above, and further in view of Elgamel U.S. Patent No. 5,671,279.

13. Regarding claims 27 and 28, Slater teaches the first form of payment is a transfer of funds on deposit in or credited to an account of the purchaser, and transmitting an instruction to transfer the funds from the account to the seller, the account maintained by the financial institute (see col. 6 lines 13-30 and col. 7 lines 32-40), however does not teach the identity of the account being unknown to the seller. Elgamel teaches electronic payment system where the account number is hidden from the merchant. Elgamel teaches hiding the account number from the attacher that may obtain access the Merchant's system. It would have been obvious to one of ordinary skill in the art to combine Slater's payment option with Elgamel secure transaction system to hide customer's account number as taught by Elgamel.

14. Regarding claim 34, Slater teaches first form of payment is a transfer of funds on deposit in or credited to an account of the purchaser (see col. 7 lines 32-40); the third network device configured to transmit an instruction to transfer the funds from the account to the seller payment of the identified purchase price for the identified price (see col. 10 lines 55-67), however does not teach the identity of the account being unknown to the seller. Elgamel teaches electronic payment system where the account number is hidden from the merchant. Elgamel teaches hiding the account number from the attacher that may obtain access the Merchant's system. It would

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have been obvious to one of ordinary skill in the art to combine Slater's payment option with Elgamel secure transaction system to hide customer's account number as taught by Elgamel.

15. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartoli et al. U.S. Patent No. 6047268 in view of Elgamel U.S. Patent No. 6029150.

16. Regarding claims 1-4 and 9-12, Bartoli et al. (Bartoli) teaches seller receiving information identifying product to be purchased from buyer, purchase price to be paid by transfer of fund; transmitting to financial institute device, at which the purchaser account is maintained (see col. 5 lines 45-59); authorization to pay seller; determining if the fund in the purchaser account is sufficient; transmitting over the network, from the second network device to the first device, an authorization of the financial institute for the seller to proceed with the delivery of the product see fig. 2A and 2B and col. 4 lines 37-60 and col. 7 line 5 to col. 9 line 64). Bartoli failed to teach the identity of the purchaser account being unknown to the seller, it is disclosed in Elgamel (see col. 22 lines 55-65). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Bartoli's invention by adding Elgamel's security features in order to protect customer's account number from attacker that may obtain access to Merchant's system as suggested by Elgamel.

Regarding claim 5, Bartoli teaches third information transmitted responsive to the selection of the payment of the price by the transfer of the funds (see col. 4 lines 43-54 and col. 8 line 1-6).

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17. Regarding claims 6 and 15, Bartoli teaches automatically establishing a hyperlink to the second network device for transmission of the third information after the selection of payment of the price by the transfer of the funds (see col. 8 lines 37-44).

18. Regarding claim 7 and 16, Bartoli teaches transmitting from the first device to the second device, a notice of delivery; and directing the transfer of the funds to the seller responsive to receipt of the notice of delivery (see col. 7 lines 57-61).

19. Regarding claims 8 and 17, Bartoli teaches performing in real time and the Internet (see col. 4 lines 3-15).

20. Regarding claim 13, Bartoli teaches the third device including an input device for receiving the first and second input (col. 8 lines 18-40).

21. Claim 14 is rejected as stated above in claim 1.

22. Regarding claims 18 and 21, Bartoli et al. (Bartoli) teaches computer programing stored on a computer readable storage medium; generating a signal to establish first link with a first seller; receive from the seller information identifying plurality of products and prices associated with them and plurality of payment options; receiving first input from purchaser selecting a product; automatically generating a signal to establish a second link with financial institute with which the account is maintained; transmitting to the first network station second information identifying the selected product and identity of the purchaser; transmitting to the second station information identifying the selected product, the purchase price and identity of the purchaser; receiving from the second station a request to approve payment of the purchase price;

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transmitting to a second station purchaser approval of the payment; receiving and displaying an account statement indicating that the funds have been transferred from the account by the financial institute to the seller (see fig. 2A and 2B and col. 4 lines 37-60 and col. 7 line 5 to col. 9 line 64). Bartoli failed to teach the identity of the purchaser account being unknown to the seller, it is disclosed in Elgamel (see col. 22 lines 55-65). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Bartoli's invention by adding Elgamel's security features in order to protect customer's account number from attacker that may obtain access to Merchant's system as suggested by Elgamel.

23. Regarding claim 19, Bartoli teaches Internet communication link and second network communications link being established by a hyperlink (see col. 8 lines 37-44).

24. Regarding claims 20 and 23, Bartoli teaches first network communications link is a relatively unsecure and the second being relatively secure (see col. 8 lines 18-44).

25. Regarding claim 22, Bartoli teaches the network being the Internet (see fig. 1).

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kight et al. U.S. Patent No. 5,383,113, system and method for electronically providing customer services including payment of bills, financial analysis and loans.

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Teicher U.S. Patent No. 6076075, retail unit and a payment unit for serving a customer on a purchase and method for executing the same.

Kolling et al. U.S. Patent No. 5920847, electronic bill pay system.

Kramer et al. U.S. Patent No. 6163772, virtual point of sale processing using gateway-initiated messages.

Kight et al. U.S. Patent No. 5383116, system and method for electronically providing customer services including payment of bills, financial analysis and loans.

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

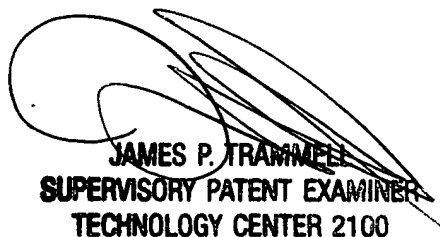
(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Examiner
Yehdega Retta
Art Unit 2162
February 10, 2001